

## UNITED STATES DISTRICT COURT

for the

District of Maine

\_\_\_\_ Division

The Estate of Mrs. Eva R. Buenaventura

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

\_\_\_\_\_  
Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

The Executive Office of the President (The White House), The Honorable Lloyd J. Austin III (The Secretary of Defense), John Does 1-10, Jane Does 1-10, Legal Entities 1-10, Foreign Nations 1-10

\_\_\_\_\_  
Defendants(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	The Estate of Mrs. Eva R. Buenaventura
Street Address	Care of Ian R. Buenaventura; 262 Main Street 1
City and County	Auburn
State and Zip Code	Maine 04210
Telephone Number	213-434-8787
E-mail Address	ppamdgmm@protonmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	<u>The Executive Office of the President (The White House)</u>
Job or Title <i>(if known)</i>	<u></u>
Street Address	<u>1600 Pennsylvania Avenue NW</u>
City and County	<u>Washington</u>
State and Zip Code	<u>District of Columbia 20500</u>
Telephone Number	<u>unknown</u>
E-mail Address <i>(if known)</i>	<u>president@whitehouse.gov</u>

## Defendant No. 2

Name	<u>The Honorable Lloyd J. Austin III</u>
Job or Title <i>(if known)</i>	<u>The Secretary of Defense</u>
Street Address	<u>1000 Defense Pentagon</u>
City and County	<u>Washington</u>
State and Zip Code	<u>District of Columbia 20301-1000</u>
Telephone Number	<u>unknown</u>
E-mail Address <i>(if known)</i>	<u>ExecSecMA2@sd.mil</u>

## Defendant No. 3

Name	<u>John Does</u>
Job or Title <i>(if known)</i>	<u>To be discovered.</u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

## Defendant No. 4

Name	<u>Jane Does</u>
Job or Title <i>(if known)</i>	<u>To be discovered.</u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

Please see attachment 2•

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Freedom of Information Act, Title VI, Administrative Procedure Act, Federal Tort Claim Act, Racketeering, Influence, and Corruption Organization Act, and Geneva Conventions.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

## 1. The Plaintiff(s)

## a. If the plaintiff is an individual

The plaintiff, *(name)* The Estate of Mrs. Eva R. Buenaventura, was a citizen of the State of *(name)* Philippines.

## b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

## 2. The Defendant(s)

## a. If the defendant is an individual

The defendant, *(name)* The Executive Office of the President, is a citizen of the State of *(name)* unknown. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.  
Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_, and has its principal place of business in *(name)* \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Please see attachment 3.

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Please see attachment 3.

B. \_\_\_\_\_  
What date and approximate time did the events giving rise to your claim(s) occur?

Please see attachment 3.

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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*  
Please see attachment 3.
- 

#### **IV. Irreparable Injury**

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.  
Please see attachment 3.

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#### **V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.  
Please see attachment 3.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/21/2023

Signature of Plaintiff

Care of Ian R. Buenaventura

Printed Name of Plaintiff

The Estate of Mrs. Eva R. Buenaventura

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Attachment 2 to Complaint and Request for an Injunction – Pro Se Form

Defendant 5 :

Name : Legal entities

Job or Title (*if known*) : To be discovered

Defendant 6 :

Name : Foreign nations

Job or Title (*if known*) : To be discovered

Attachment 3 to Complaint and Request for an Injunction - Pro Se Form

Please see complaint.



Her name is painted in a light that is false.

Personal telephone and cellular phones she possessed were and are currently intentionally interfered with.

Her privacy in her residence was and is presently invaded. Her private abode had sources, methods, devices, activities, and/or mechanisms that invaded her privacy.

Her private residence was and is subjected to nuisance.

She was subjected to intentional infliction of emotional distress.

**Judicial notice** <sup>1</sup>

I request that the Court take judicial notice of facts in this complaint and the end notes attached herein.

**Pattern or practice - withholding documents until a suit is filed**

I request the Court to take judicial notice of the pattern or practice of delaying release of documents until a suit is filed. <sup>2</sup>

Illustration of a pattern or practice and adequately asserting a claim requires more than one behavior that is unlawful. <sup>3</sup> There is more than one unlawful conduct. Denials of administrative appeals of the Freedom of Information Act requests dated September 27, 2021 inquiry, Case number 112886, Appeal number 5600 and January 18, 2022 inquiry, Case number 113542, Appeal number 5627 resulted in non-production of responsive documents and/or information. No responses nor production of documents and/or information were given for requests dated October 1, 2021; May 29, 2022; May 30, 2022; June 1, 2022; June 2, 2022; June 4, 2022; June 5, 2022; June 6, 2022; June 7, 2022; June 8, 2022; June 23, 2022; July 2, 2022; July 3, 2022; July 4, 2022; July 5, 2022; July 6, 2022; July 7, 2022; July 8, 2022; July 9, 2022; July 10, 2022; July 11, 2022; July 12, 2022; July 13, 2022; July 14, 2022; July 15, 2022; July 16, 2022; July 22, 2022; July 23, 2022; July 24, 2022; July 25, 2022; July 26, 2022; and July 27, 2022 inquiries. These documents and/or information were improperly withheld. The defamation, painting in the false light of my mother's name, trespass to chattels, trespass to land, nuisance (private), and intentional infliction of emotional distress are examples of conduct that are unlawful. Surveillance of my family and I is not legal. Suppression of my and family's constitutional rights (eg., first amendment, due process) and human rights contravenes laws. Racketeering operations executed on me and my family members are unlawful behavior. Retaliation for exercising my and my family's constitutional and human rights are illegal. Concealment of wrongful behavior, misconduct, omission, and negligence violates laws. Production of responsive documents and/or information responsive to the Freedom of Information Act requests will likely provide additional and substantial proof to the claims submitted on behalf of my mother.

The First Circuit <sup>4</sup> implicitly recognized the validity of a pattern or practice under FOIA. Federal district court of Maine is in the First Circuit.

**Prepublication Classification Review Board (PCRB)** <sup>5</sup>

This is to request the court to take judicial notice of the Prepublication Classification Review board.

The Prepublication Classification Review Board protects national security secrets. It reviews written



work that are intelligence-related that the employee or former employee intends to share to the public. The written work is published for public consumption after it is reviewed and approved by the board. By doing so, the Board keeps national security secrets protected, there are no unauthorized disclosures, and there are no classified information shared. Unauthorized disclosures of national security secrets open the individual to liability. Submission of work to the PCRB prior publication functions as a safe harbor for authors.

**United States government engages in racketeering activities** <sup>6</sup>

This is to request the Court to take judicial notice that the United States government is involved in racketeering.

**United States government engages in drug trade** <sup>7</sup>

This is to request the court to take judicial notice that the United States government is involved in drug trade.

**United States government lies** <sup>8</sup>

This is to request the court to take judicial notice that the government is not truthful. A government official from the Department of Defense stated so.

**United States government misrepresents**

This is to request the Court to take judicial notice that the United States government misrepresents. Misrepresentations mask the avarice for war. Most people only want peace. <sup>9</sup>

**United States government conducts surveillance**

This is to request the Court to take judicial notice that the U.S. government conducts surveillance.

**Surveillance is inherently dangerous**

This is to request the Court to take judicial notice that the surveillance is inherently dangerous.

**United States government commits war crimes**

This is to request the Court to take judicial notice that the United States government takes lives of innocent, defenseless civilians including elderly, women, and children with no regard for the Geneva Conventions and Uniform Code of Military Justice. <sup>10</sup>

**United States government administers psychological warfare**

This is to request the Court to take judicial notice the federal government launches psychological warfare. Village "massacres" committed afforded with "plausible deniability". "Provocation" propaganda prompted "magically occurred". Everyone was massacred to cover up the "murder of the five people" and to send a "psychological warfare warning" to other villagers. <sup>11</sup>

**United States government applies torture**

This is to request the Court to take judicial notice that the United States government tortures. Individuals who were harmless were detained indefinitely based on information provided by an anonymous informant. These people were tortured to obtain confessions or become double agents. <sup>12</sup>

#### **United States government carries out terrorism**

This is to request the Court to take judicial notice that the United States government terrorizes. To subjugate an "entire population" by terrorism, it has no compunction in committing "indiscriminate mass murder". <sup>13</sup>

#### **United States government commits assassinations**

This is to request the court to take judicial notice that assassinations are "official U.S. policy". <sup>14</sup>

#### **United States government engages in bribery**

This is to request the court to take judicial notice that the United States government is involved in bribery. A foreign official said "You do not buy and sell this Government." "[I]mproper activities" were confirmed by a United States Secretary of State. <sup>15</sup>

In exchange for "firing" a foreign official conducting an investigation, a U.S. official received "illicit payments". "5(million)" was received by a U.S. official and a proxy got "5(million)". The "CEO and founder" was "forced" to make such payments. <sup>16</sup>

#### **Construction**

##### **Liberal construction of pro se pleadings**

The Magistrate judge recommended a dismissal of a pro se complaint. The Federal District Court judge agreed. The appeals court affirmed that the allegations were conclusory. Pleadings of pro se litigants are "to be liberally construed" according to the United States Supreme Court as it gave instructions to federal district courts. "All pleadings shall be so construed as to do substantial justice." <sup>17</sup>

Here, the legal basis for relief are "bolstered" by specifics on this complaint. Examples are the surveillance, suppression of expression, my mother's name being defamed, privacy of my mother being invaded, trespass to chattel, trespass to land, nuisance, intentional infliction of emotional distress, threats, attempt on my and family's lives, and improper withholding of documents and/or information.

Federal Rule of Civil Procedure 8(a)(2) requires "a short and plain statement of the claim showing that the pleader is entitled to relief." <sup>18</sup> The laws that are the basis for obtaining remedies are stated on this complaint. These laws are the U.S. Constitution, FOIA, FISA, RICO, APA, Title VI of 1964 Civil Rights Act, FTCA, and Geneva Conventions.

"Statement[s] only needs to 'give[s] the defendant[s] fair notice what the...claim is and the grounds upon which it rests". <sup>19</sup> The complaint goes beyond fair notice as facts are stated. A fact is that there were no responsive documents and/or information that were provided as to the FOIA requests. Another one is that my mother's name is being defamed and painted in a false light. There was and is trespass to land and trespass to chattel. Her property was and is subjected to nuisance. Intentional infliction of



emotional distress was applied on her.

In ruling a defendant's motion to dismiss, all of the factual allegations contained in the complaint must be accepted as true.<sup>20</sup>

### **Opportunity to offer proof**

A motion to dismiss was granted at the federal district level. The appellate court affirmed. The United States Supreme Court held the pro se complaint before it "to less stringent standards than formal pleadings" written by lawyers. Its view was that the plaintiff could not provide any facts to support the claims granting remedy. Nonetheless, it concluded that the petitioner (pro se litigant) was entitled to "an opportunity to offer proof". Case was reversed and remanded for further proceedings.<sup>21</sup>

There may be a motion to dismiss sua sponte.

Here, the facts are slightly different should it occur. A sua sponte motion to dismiss is made by the Court. There, the motion to dismiss was by a respondent.

The facts are on the complaint here. There, the petitioner can prove no set of facts. There is a dichotomy. Despite the Supreme Court's view that "beyond doubt that the petitioner can prove no set of facts in support of his claim which would entitle him to relief", he [was] "entitled to an opportunity to offer proof". The highest court did not delve on the merits before its remand for further proceedings.

### **Retaliation for protected speech**

Elements in establishing retaliation for exercising 1<sup>st</sup> amendment rights are enumerated hereinafter.

First, there must be a first amendment "conduct" that led to the retaliation. Second, officials undertook "some adverse action". Third, a "causal link" exists between the exercise of his/her first amendment rights and the adverse action taken.<sup>22</sup>

#### **First amendment conduct**

There, pro se litigant filed an administrative complaint with a state agency. By doing so, the court determined that there were sufficient facts to satisfy the first element. The court protected the right to petition the government for a redress of grievances. It explained that it is "among the most precious of the liberties safeguarded by the Bill of Rights."<sup>23</sup> The right to seek redress is applicable "with equal force to a person's rights to seek redress from all branches of government". The audience of the petition does not need to be a Court. An administrative agency is enough.<sup>24</sup>

Here, the facts are different. There were no administrative complaint at the time when I spoke against overtime shaving. I sent electronic mails to lawyers and law entities seeking advice. The guidance I sought in these communications related to the instruction given to me to shave overtime hours from teachers' time sheets. Even if there was no administrative complaint submitted, an expression of a different view is a first amendment conduct. Private electronic communications to seek legal advise is conduct secured by the first amendment. Looking up the contact information of an agency is likewise protected by the first amendment.

### **Some adverse action**

There, a government physician switched medicine for the litigant. The pain medicine was not removed. Changing the ineffective medication to a different one, "would not deter a person of ordinary firmness from filing a complaint". There were no sufficient facts to prove the adverse conduct by the medical doctor.<sup>25</sup>

But, a "false entry" made by a government nurse was "sufficiently adverse". The litigant agreed that his receipt of pain medication was contingent upon his refraining from cheeking. The court assumed that when the nurse wrote the "false cheeking entry" in the litigant's medical record, she was aware it would "negatively impact" the chances of the patient to continue to be given medicine for pain.<sup>26</sup>

### **Car crash**

Here, the car crash was worse than the nurse's conduct. In May 2017, I searched online the contact information of the Federal Bureau of Investigation. In the afternoon, on our drive to get ice cream my car where my entire family was in was violently crashed unto. An attempt on my life and my family members' lives is more than "de minimis". A "similarly situated individual of ordinary firmness" would not only be "deterred" from exercising his rights but chilled.

"The event chilled my communications. The surveillance knew my family was in my car and where we were. It had knowledge that I looked up contact information of the Federal Bureau of Investigation earlier that day."

### **Manufacture of electronic mails**

"Electronic mails are manipulated."

One example is that "[a]n electronic mail was manufactured in my email [REDACTED]@sbcglobal.net. It contained the word "egoy". I did not nor anyone in my household craft and/or send this electronic mail."<sup>27</sup> "[C]ommunications are seized, distorted, and distributed without my consent."<sup>28</sup> This example of a "false entry" manufactured in my electronic mail shows that the surveillance knows that this will "negatively impact" a reputation of the owner of the electronic mail. The surveillance knows in its manufacture of electronic mails that it will falsely ascribe that the owner is not tolerant. It has more than "de minimis" effect on the true owner of an electronic mail who did not author the above electronic mail. A similarly situated person of ordinary firmness would be chilled from expressing himself/herself upon reading manufactured electronic mails in his/her name.

### **Spoilation of electronically stored information**

A draft of the response to "Recommended Decision After Review of Complaint" was deleted from my file storage without my consent. This was for the case name The Estate of Attorney Simon M. Buenaventura v The Executive Office of the President, et al. I had to re-type it. Surveillance knows that the deletion of the file will "negatively



impact” the timeliness and completeness of a response. The effects of the deletion are than “de minimis” as it delays and impedes obtaining justice (eg., due process, first amendment) for a family member. A similarly situated person of ordinary firmness would have been deterred from retyping and continuing preparation of the response.

**Spoliation of electronically stored information – draft of this complaint and supporting documents**

As I was preparing a draft of this pleading on behalf of my mother, my entire file storage was destroyed. None of the hundreds of my files including the draft of this complaint, research, and supporting materials were recovered. Surveillance knows that the lost of electronically stored information related to this complaint “negatively impacts” the timeliness and thoroughness of a preparation of a paper. It places undue burden on a person and his/her family being suppressed in reconstructing and regenerating the complaint and attendant documents. It is more than “de minimis” as due process rights are deprived, it destabilizes seeking justice for a family member. Reconstruction and rebuilding research, files, and drafts require resources and time. Destruction of electronically stored information to impede communications shows an intent to deprive access to one's private data and ultimately infringe the exercise of constitutional rights. Another in a similarly situated scenario of ordinary firmness would have been discouraged from reconstructing the draft and supporting documents destroyed and would no longer proceed with a petition on behalf of a family member knowing of all of his/her electronically stored information (e.g., privileged) are previewed and spoliated without notice.

**Livelihood**

I send my resume online to apply for a job.

I could find work in two weeks time and the latest one month from the start of a job search. When I wait for a month, I would receive at least two job offers. I would select the better offer. This was in a congested Los Angeles, California job market.

When I take an examination, I would go back to work after the examination week.

If I did not have a job, I would start applying online for a job a day after the examination. From the start date of applying, I would receive a job offer in two weeks.

Then, I spoke against overtime shaving.

I have been unable to find a job "on my own". There is a drastic change.

This has created severe financial hardships on me and my family.

The tampering of my job applications and searches to earn a living of my own are more harmful than the nurse's conduct. The surveillance knows that one's livelihood is important. When my search for a job is being interfered with it knows it will “negatively impact” my and family's stability and strength. The surveillance knows our choices (eg. shelter, food, health, nutrition, car repairs, travel, clothes, school choice for

our child, university choices for our child, self-improvement, ability to save for a rainy day, retirement) will continuously be debilitated as long as my search to earn a livelihood is disrupted. The disparity of my being able to find work before and after I spoke is stark and above de minimis.

Experiencing for oneself that one can no longer find a job on one's own after speaking against shaving overtime brings chills down one's spine to speak up. A similarly situated human being of ordinary firmness would cease from asserting his/her rights under the constitution upon realizing he/she is deprived of his/her own financial independence, stability, and strength.

### **Threats** <sup>29</sup>

There are diverse threats. These are all adverse actions that are more than de minimis. A similarly situated person of ordinary firmness would be chilled in his/her expression and in his/her exercise of his/her constitutional rights.

### **"Stay down"** <sup>30</sup>

My family and I had an argument in our abode in Maine one evening in March 2022. A few days after, my mother domiciled in the Philippines had an "accident". She passed away in March 2022. I received a message to "... stay down ..." This adverse act of deprivation of due process rises far above de minimis. A person in a similarly situated position and of ordinary firmness would no longer exercise his/her constitutional rights.

### **Defamation of Mrs. Eva R. Buenaventura's name, painting her name in a false light, trespass to chattel, trespass to land, nuisance, and intentional infliction of emotional distress**

The name of my mother is being defamed and painted in a false light. Her chattels (e.g., communication devices) are wiretapped. There was and is trespass to land in her property. Her private abode was and is subject to nuisance. Outrageous activities were applied on her. She was deprived of her due process rights. These adverse actions are more than de minimis because it is to chill constitutional rights.

### **Causal link**

There, the Court found the pro se complaint failed to state sufficient facts to prove that the change of medication and "false entry" were caused by the government employees' efforts to retaliate.

Here, it is considerably different. There is not merely some adverse action. The retaliation methods being deployed against me and my family members are voluminous, various, vicious, violent, and depraved. In light of the nature, extent, duration, and depth of the misconduct, at a minimum it is strong circumstantial evidence that the adverse actions in their totality are carried out with retaliatory intent. The immediate and unredacted disclosures of document/information responsive to Freedom of Information Act inquiries dated September 7, 2021 inquiry, Case number 112886, Appeal number 5600; January 18, 2022 inquiry, Case number 113542, Appeal number 5627; October 1, 2021; May 29, 2022; May 30, 2022; June 1, 2022; June 2, 2022; June



4, 2022; June 5, 2022; June 6, 2022; June 7, 2022; June 8, 2022; June 23, 2022; July 2, 2022; July 3, 2022; July 4, 2022; July 5, 2022; July 6, 2022; July 7, 2022; July 8, 2022; July 9, 2022; July 10, 2022; July 11, 2022; July 12, 2022; July 13, 2022; July 14, 2022; July 15, 2022; July 16, 2022; July 22, 2022; July 23, 2022; July 24, 2022; July 25, 2022; July 26, 2022; July 27, 2022 inquiries, will likely provide additional and substantial support (eg., direct evidence, circumstantial evidence).

Chronology of events supports an inference of retaliation.

The adverse actions are caused by the exercise of constitutional rights. <sup>31</sup>

### **State action**

Government conducts audio surveillance, bugging, eavesdropping, electronic surveillance, hacking, mail surveillance, monitoring devices, physical surveillance, unconsented physical searches, video surveillance, and/or wiretapping.

There is significant encouragement of private companies, institutions, academic institutions, and/or individuals to undertake surveillance activities. Coercion is a method whereby it is applied on these private companies, institutions, academic institutions, individuals, and/or contractors to undertake surveillance activities. Substantial nexus is established by the joint participation between government and private companies, institutions, academic institutions, and/or individuals. Immunity might be asserted covering up surveillance activities. However, surveillance is an inherently dangerous activity rendering it a non-delegable duty.

### **Standing**

Resulting from my speech, the name of my mother is being defamed. She is being painted in a light that is false. There was and is trespass to her chattels (eg., communication devices). At least one individual is in her land to conduct surveillance, suppress, retaliate, carry out racketeering, and conceal misconduct. Her property was and is subjected to nuisance. Extreme and outrageous activities were executed to inflict emotional distress. She is unable to defend herself as she passed away. These injuries to her person and name are redressable by the court.

A correspondence was sent on June 11, 2021. <sup>32</sup>

Administrative remedies have been constructively exhausted.

A denial of an administrative appeal allows judicial review. Documents and/or information responsive to Freedom of Information Act requests dated September 27, 2021 inquiry, Case number 112886, Appeal number 5600 and January 18, 2022 inquiry, Case number 113542, Appeal number 5627 were not produced. <sup>33</sup>

Absence of a timely response to a request before a suit is filed permits a requester to seek court remedy. There were no responses and production of documents for requests dated October 1, 2021; May 29, 2022; May 30, 2022; June 1, 2022; June 2, 2022; June 4, 2022; June 5, 2022; June 6, 2022; June 7, 2022; June 8, 2022; June 23, 2022; July 2, 2022; July 3, 2022; July 4, 2022; July 5, 2022; July 6, 2022; July 7, 2022; July 8, 2022; July 9, 2022; July 10, 2022; July 11, 2022; July 12, 2022; July 13, 2022; July 14, 2022; July 15, 2022; July 16, 2022; July 22, 2022; July 23, 2022; July 24, 2022; July 25, 2022.

July 26, 2022; and July 27, 2022 inquiries. <sup>34</sup>

### **Article III**

The injuries to the name of Mrs. Eva R. Buenaventura are concrete. Her personal properties, real property, and person were and are being harmed. It is traceable to government activities. The injuries are redressable by the Court. First, by declaring the surveillance unconstitutional leads to cessation of the injuries to my mother's name. Second, a grant of the prayer for a permanent injunction on the surveillance prevents future damage to her name. Third, disgorging profits directly and/or indirectly gained by individuals, contractors, corporations, entities, institutions, and/or governments and derived personally and/or politically from surveillance reduces repetition of the injuries to the name of my mother. The name of my mother is being injured.

There is a reasonable probability surveillance continues. The likelihood the name of my mother being defamed, her name painted in a false light, her communication devices being subjected to trespass to chattel, her real property being subjected to trespass to land, and her property being subjected to nuisance unabated is high. Injuries done to her name, property, and chattels in the future are sufficiently substantial. There are no mitigation efforts to decrease the damage to her name, property, and chattels. Rather, concealment is one of the objects of the surveillance.

Surveillance are authorized by § 1881 (a), 702, and/or other authority. The statutory conditions do not meet constitutional muster. Where judicial authorization may be required, reviewing the factual and documentary genesis of court approval and subsequent processes, conduct, and actions disregard due process. When events mandate Congressional oversight, supervision and directives by the legislature are diminished, if not dismissed.

Language in the statutory authorities (e.g., “an appropriate[ly] classified matter”, “any person known to be in the United States”, “any United States person reasonably believed to be located abroad”, “authorized intelligence purposes”, “connection or interest”, “contracts or arrangements for provision of goods or services”, “employed by or acting on behalf”, “foreign influence”, “foreign power”, “foreign intelligence”, “human experimentation”, “intelligence records”, “in the interest of national defense or foreign relations”, “in the interest of national security”, “national security, national defense, and foreign relations”, “reasonably believed to be acting on behalf of a foreign power”, “research on human subjects”, “reveal”, and/or “sponsorship of contracts or arrangements”) is amorphous and elastic.

### **Federal subject matter jurisdiction**

The federal statutes raised are Freedom of Information Act, Title VI, Administrative Procedure Act, Federal Tort Claim Act, Foreign Intelligence Surveillance Act, and Racketeering, Influenced, and Corruption Organization Act.

The federal constitution is involved.

The Geneva Conventions and/or Rome Statute is/are connected. United States has not agreed to be a party to the Rome Statute.

Rome statute grants jurisdiction over alleged activities of genocide, crimes against humanity, and war crimes.



### **Supplemental jurisdiction**

Torts claims under state law/s arise from the activities undertaken against her person, name, chattels, and property. It is efficient to try the tort claims along with the claims under federal law.

### **Alienage jurisdiction**

The late Mrs. Eva R. Buenaventura was a citizen of the Philippines. Her citizenship determines the citizenship of her estate. Where diversity is required to establish federal subject matter jurisdiction, it shall be satisfied as defendants are citizens of United States and my mother's citizenship is of the Philippines.

### **Personal jurisdiction**

#### **In Personam**

My speech against overtime shaving subjects me and my family to surveillance and retaliation activities.

#### **Statutory limitations**

Activities, include but are not limited, to audio surveillance, bugging, eavesdropping, electronic surveillance, hacking, mail surveillance, monitoring devices, physical surveillance, unconsented physical searches, video surveillance, wiretapping, and retaliatory activities.

These activities are continuous and systematic making the defendants at home in the state/s where my family and I are surveilled.

#### **Due process – contact and fairness – minimum contacts**

There are sufficient minimum contacts as considerable activities take place in the states where my family and I are in.

These activities purposefully obtained the protections and benefits of the states where surveillance of my family occurs.

By purposefully undertaking activities, the individuals and entities are aware of the benefits and protections of the forum state/s.

It is fair and reasonable that individuals and/or entities who are conducting the activities to expect to be brought into a state court where such occurrences occur.

#### **Due process - contact and fairness – notice**

Notice will be sent. It will fairly apprise individuals and/or entities known and unknown to be discovered.

### **Venue**

It is proper to bring this case in a United States Federal Court within a district where a requestor of a Freedom of Information Act request resides.

In addition, activities occurred and/or are occurring in states, including Maine, and/or other sovereign countries.

### **Claims**

#### **Due process - liberty from defamation, invasion of privacy, trespass to chattel, trespass to land, nuisance, and intentional infliction of emotional distress**

My mother's estate has an interest in not having her name defamed. Her estate has an interest in not having her name painted in a light that is false. Her estate has an interest in not having her communication devices subjected to surveillance. Her estate has an interest in not having her property subjected to trespass. The estate of my mother has an interest in not having her real estate subjected to nuisance. My mother's estate as an interest in seeking justice for the intentional infliction of emotional distress executed on her. There is no regulation allowing harm to her by defamation, invasion of privacy, trespass to her chattels, trespass to her land, and intentional infliction of emotional distress with an end of silencing speech. No statute countenance the degrading and prolonged inhumane treatment of her person, name, property, and chattels. It shocks the conscience that my mother, who had a life of honor and fidelity, was and is being subjected to defamation, invasion of the privacy, trespass to chattel, trespass to land, nuisance, and intentional infliction of emotional distress. <sup>35</sup>

### **Pattern or practice**

There is more than one instance of nondisclosure of documents. The practice of nondisclosure covers up wrongful behavior. A scheme that responds only when a lawsuit is filed exhausts resources and time of a requestor.

It is a standard to discredit <sup>36</sup> speech that is not favorable.

A known operation of diminishing <sup>37</sup> the reputation of those whose speech not liked disseminates narratives that are misrepresentations, fraudulent, and/or deceitful.

Changing the course of history and erasing an event from history by diluting discourse is a procedure utilized repeatedly. <sup>38</sup>

Infiltrating media to mold opinion is a plan deployed to cause confusion, chaos, conflicts, and conflagrations. <sup>39</sup>

Information is withheld by design to make an event obfuscated, obscure, obsolete, and opaque. <sup>40</sup>

So long as expression is consonant with a surreptitiously selected script, counteracting measures such as defamation, invasion of privacy, trespass to chattel, trespass to land, nuisance, and intentional infliction of emotional distress are not applied.

### **Administrative Procedure Act**



It is not clear how specifically Congress authorized the regulation of speech.

Should there be any delegation of such authority, there is no notice as to who are conferred with the authority to suppress speech. Retaliation methods (eg., defamation, invasion of privacy, trespass to chattel, trespass to land, nuisance, and intentional infliction of emotional distress) to stifle a different speech as supposedly conferred by legislators are not published. Clandestine conversions of communications wreak havoc on economic and political stability individually, locally, and internationally. Immensity of such power affects squarely the social and economic decisions of people. Curtailing expression has a magnitude of consequences that crosses not only state lines but jurisdictions of other sovereign nations. It seems that if the bicameral body intended to delegate a consequential power to another political branch, it would have made it clear.

Massaging messages opposes truth. Arbitration of information that belongs to the public is not consistent with transparency. It is known generally that there are deletion of testimony, hiding of facts, distortion of facts, denials of the existence of facts, falsification, concealment of self-interest, publication of misleading information, news manipulation, and misstatement by statistics.<sup>41</sup> Suppression of speech is outside of any expertise found in governance. When stifling of debate occurs, it is lethal.<sup>42</sup> Distraction from discourse is not part of public policy. A frolic in depression of exchanges compromises public interest. Managing families is not inside the bounds of agency/ies. Permitting component/s to drive where families are involved results in violence<sup>43</sup> to silence (e.g., violent car crash where my family was in).<sup>44</sup> Subterfuge activities with altruistic fronts fracture families. Care for children is not in the sphere of knowledge of agencies especially those who are supposed to protect. With extraordinary power of surveillance, children are abused by a religious denomination for decades.<sup>45</sup> Additionally, knowing my family members were occupants of my vehicle, a car crashed violently unto mine. Watching for the welfare of women is not within the parameters of civil service. While sovereign nations and 34 other foreign leaders are surveilled<sup>46</sup>, at least 16,760 patients<sup>47</sup> were abused for nearly thirty (30) years<sup>48</sup> at a university by a campus gynecologist.<sup>49</sup> Balance is not part of the spokes of skills within a public sector and that which is expected to be blind to favors, fears, funds, and immutable features. Seizure<sup>50</sup>, preview of communications<sup>51</sup>, secret arrests<sup>52</sup>, closed judicial proceedings<sup>53</sup> (eg., ex parte communications<sup>54</sup>), secret trials<sup>55</sup>, secret punishment<sup>56</sup>, infecting media<sup>57</sup>, and funneling a forum transpire. Security is not within the niche of groups publicly projecting it. 20% of domestic production of uranium was allowed to be taken over by a foreign nation.<sup>58</sup> Unity does not comprise the statutory duties of agencies. Public domain shows news manipulation divides.<sup>59</sup> The health of humanity is not a core competency of departments. Funding of gain-of-function<sup>60</sup> that led to Covid-19 display a wanton disregard for human lives. Promoting peace is not within the technical knowledge of agencies that maintain their intelligence. If peace is within the wheelhouse of certain agencies, the Peace Corps will not have bans.<sup>61</sup> Riling up the public, peoples, countries, and regions leads to conflicts and not peace. Conflicts stoking fears foment an arms race.

Arguendo, there is a statutory power clearly delegating to an executive branch, component, and/or contractor to contain communications, carrying consistently out the guidelines of a broad and unusual law is not sustainable. Most importantly, it will be contrary to the United States constitution, Geneva Convention laws, and international laws.

Major questions doctrine requires laws to be unambiguous.

An effect is that usurpation of powers within the province of the lawmaking body by another political branch is avoided.



It prevents exploitation of "... some gap, ambiguity, or doubtful expression in Congress'[s] statutes to assume responsibilities far beyond those the people's representatives actually conferred on them." <sup>62</sup> It is doubtful duties such as restrictions on expression, press, and/or the 'right to know' cohere with the U.S. constitution, Geneva Conventions, and international laws.

### **Ultra vires**

There are no Federal and state constitutions, statutes, and/or treaties, to which United States is a party, prescribing censorship of speech and depressing discourse. Acts that are outside of any statutory grant of power permits the judiciary to realign the proper lanes. Examples of acts outside of the fence are contempt for the U.S. constitution, racketeering to chill varying voices, abuse of political processes, corruption of policy to cover up, media manipulation, forum funneling, and deprivation of life, liberty, and property interests. It is appropriate that limits be reestablished in defense of the constitution. <sup>63</sup>

### **Federal Tort Claim Act - Federal subject matter jurisdiction**

Federal Tort Claim Act provides a remedy in damages for tortious conduct by employees of the United States. <sup>64</sup>

### **Federal Tort Claim Act claims**

A citizen has a claim for damages for defamation, invasion of privacy of another, trespass to land, trespass to chattel, and intentional infliction of emotional distress. Even though, my mother was not a U.S. citizen, she lived a life of honor, devotion, and decency. Her name should not be defamed and depicted in a light that is false to suppress my speech. Her communications devices should not be subjected to trespass. Trespass to her land should cease. Same as to nuisance. Her estate should be entitled to remedy for the outrageous and extreme activities to deliberately cause severe emotional distress. Working for a government does not insulate an individual from exposure for money damages from "injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the government..." Typically, an employer has no liability for his/her independent contractor. However, surveillance is an inherently dangerous activity not to mention it is imbued with a far greater capacity for harm (eg., suppression of speech, injuries caused by a car crash, deprivation of due process). Immunity is removed for intentional torts committed. A federal official's act of suppression of speech and retaliatory activities for dissenting is outside of the scope of responsibilities of any government employee. Defamation of my mother, invasion of her privacy, trespass to her chattels, trespass to her land, nuisance in her private residence, and intentional infliction of emotional distress she was exposed to in order to discourage a contrasting point of view give rise to compensable harm. Her estate has a legally protected interest to be free from defamation, invasion of privacy, trespass to chattel, trespass to land, and nuisance. These claims invoke federal question jurisdiction. <sup>65</sup> Statutes raised are Freedom of Information Act, Federal Tort Claim Act, Title VI, Foreign Intelligence Surveillance Act, Racketeering, Influenced, and Corrupt Organizations Act, and Administrative Procedure Act. The law of the states where the causes of action are taking place allows recovery of damages. Maine is one of the states.

### **Negligence**

An entity and/or individual who has unlimited resources and a higher form of training in law, in medicine, in public trust, and/or other field has a duty to act reasonably as a prudent organization

and/or person would under the same or similar circumstances. An organization and/or person of position in governance has at least the same duty of candor, if not a higher duty that is of "scrupulous candor", side by side with an ordinary man/woman in a private setting. Publication that calls into question the respect for the dignity of another by and mental stability of my mother is at a minimum a breach of a duty to act reasonably. But for the activities, the injuries to her name will not be occurring. There is no supervening, intervening cause cutting the chain of events. These cause damages to the name of my mother.

### **Defamation**

Regard for dignity of another (eg., child) by my mother is being attacked. It is a campaign published to others. A third party understands from the statement that my mother had no respect for others. This is false.

Purporting she had a mental mental illness is part of the defamatory activities. Broadcasting that she was a "bigot" comprise the defamation. It is circulated where it can be heard and/or read by a bystander. A listening and/or viewing observer of the statement gleans that my mother was unstable. A bystander would understand that she was not tolerant of differences. These are false.

### **Invasion of privacy**

My mother is depicted as someone who had a mental illness. This is false.

### **Trespass to chattel**

"Her landline telephone and cellular phone were and are subjected to hacking, eavesdropping, bugging, wiretapping, video surveillance, and/or audio surveillance." <sup>66</sup> Interference of her personal communication devices is intentional. No consent was given by her or any of my family members.

### **Trespass to land**

An individual is in her property transmits threats to me. She was the caretaker of my mother when she was alive. One of the threats was "... as long as she is [was] healthy ..." <sup>67</sup> This coercion to silence was embedded while humiliating her. My mother was in possession of the property. A conduit for surveillance, retaliation, suppression, racketeering activities (eg., threats of harm, threats of defamation, threats to health), and concealment of misconduct directed at a family member being silenced exceeds any consent.

### **Nuisance (Private)**

Hacking, eavesdropping, bugging, wiretapping, video surveillance, and/or audio surveillance of her personal communications was a nontrespassory invasion of her privacy. This interfered with her use and enjoyment of her property. As her privacy as a human being was invaded, substantial and unreasonable harmed was inflicted on her.

### **Intentional infliction of emotional distress**

"My mother was subjected to outrageous and synchronized conduct and/or activities that exceeded the bounds of decency in a civilized society." <sup>68</sup>



A source of surveillance, suppression, reprisal, and obfuscation masquerading as a caretaker acts in deceit.

Her life, safety, health, and well-being were held ransom to coerce silence.

Personal device that belonged to my mother is subject to surveillance. Photos of my mother in her undergarments were sent through her cellular phone.

A video of my mother being insulted, in her undergarments, and sent through a device subject to surveillance shows no regard for her honor.

My mother was hardworking. Working hard is not selling weapons or influence at the expense of life and limb. It was not part of her practice to sow division, rouse fissures in society, and destabilize to pad a stock ( e.g, Pfizer, Lockheed Martin) portfolio. Her religious practice valued life.

She was subjected to insults. A video of her in her undergarments while being insulted was sent to me through her cellular phone.

My mother was coerced to write.

She was deprived of her life, liberty, and property interest without due process of law. “My family and I had argument in our abode in Maine one evening in March 2022. A few days after, my mother domiciled in the Philippines had an “accident”. She passed away in March 2022. I received a message to “...stay down...”

I spoke against overtime shaving. Even though a human being has a right to expression, she was punished as a family member. Fracturing a family is a form of punishment more so when feigned as magnanimity by an enterprise that flourishes in discord.

As a member of my family she was and is being retaliated on (eg., defamation, invasion of privacy, trespass to chattel, trespass to land, and nuisance).

Her real property property was and is subject to trespass. Her communications devices were and are subject to surveillance.

She was insulted through the use of words and images. She was embarrassed by publication. These activities injured her well-being and dignity as a human being.

Undue influence was exerted in forcing her to write.

She was depicted as someone who abuse others (eg., child abuse). It is false.

She was falsely painted as someone who was not tolerant of differences. This is a false statement.

She was carved out from society including from me.

She was exposed to COVID-19 virus to which she was especially susceptible to serious harm.

She was given a vaccine without full, funding, timely, and transparent disclosures of the origin of the virus.

### **Abuse of process**

The name of my mother is being defamed and painted in a light that is false. Communication devices belonging to her were and are surveilled. Her real property was and is subject to trespass to land. Her property was and is subjected to nuisance. Activities calculated to cause severe emotional distress was applied to her. It is to dissuade speech. Public resources are used. There is no mechanism within any public body and branch that is meant to discourage speaking. It is intentional because the defamation and casting her name in a false light is disseminated to damage her name, it is to subject her property (real and personal) to trespass, it is to subject her real property to nuisance, and it was to subject her to intentional infliction of emotional distress.

Manufacturing and/or spoliation of documents, electronically stored information, tangible property, and/or activities sully the integrity thereof is/are not legitimate use of public property. Assets that belong to the public are not meant to be misused to cover up negligent[, or ] wrongful act or omission. Dilatory activities, on personal and/or political grounds, were not intended in acquisition of tools belonging to an employer.

### **Freedom of Information Act (FOIA) - 5 U.S.C. § 552**

September 27, 2021 inquiry, Case number 112886, Appeal number 5600 and January 18, 2022 inquiry, Case number 113542, Appeal number 5627 were denied. Documents and/or information were not produced. <sup>69</sup>

Inquiries dated October 1, 2021; May 29, 2022; May 30, 2022; June 1, 2022; June 2, 2022; June 4, 2022; June 5, 2022; June 6, 2022; June 7, 2022; June 8, 2022; June 23, 2022; July 2, 2022; July 3, 2022; July 4, 2022; July 5, 2022; July 6, 2022; July 7, 2022; July 8, 2022; July 9, 2022; July 10, 2022; July 11, 2022; July 12, 2022; July 13, 2022; July 14, 2022; July 15, 2022; July 16, 2022; July 22, 2022; July 23, 2022; July 24, 2022; July 25, 2022; July 26, 2022; and July 27, 2022 inquiries had neither replies nor provision of documents and/or information. <sup>70</sup>

Documents and/or information were improperly withheld. Recourse available has been exhausted.

### **Foreign Intelligence Surveillance Act (FISA) - 50 U.S.C. §§ 1801-1813**

The terms of “foreign power” and “agent of foreign power” may include expansive interpretations. A person from any street corner does not have notice that reasonably apprises what “foreign power” and “agent of foreign power” mean. These phrases may give a person carte blanche with unrestrained discretion to ascribe any definition. Preview of communications precludes prior publication of perspectives in contrast.

### **Racketeer Influenced Corrupt Organization Act (RICO)**

Enterprise exists consisting of individuals, legal entities, educational institutions, institutions, companies, contractors, components, agencies, departments, and/or governments. Prescribing speech



is not a lawful goal. Retaliating at family members of a person whose viewpoint is covertly circumscribed is deceitful. A human being has an inalienable right to express a side to a topic. Activities such as injuring my mother's name, trespass to her chattels, trespass to her residence, nuisance, and intentionally inflicting of emotional distress were and are undertaken in furtherance of preventing participation.

Racketeering activity such as attempted murder (violent car crash); threat of murder; an act of murder; arson; bribery; extortion; dealing in obscene matter; fraud and related activity in connection with access devices; wire fraud; obstruction of justice; tampering with a witness, victim, or an informant; retaliating against a witness, victim, or an informant; forgery; slavery; economic espionage and theft of trade secrets; interference with commerce; use of interstate commerce facilities in murder-for-hire; sexual exploitation of children; biological weapons; and/or chemical weapons injure my family. The structured operations harmed her person and are currently injuring her name, chattels, and her real property to discourage debate.

Likelihood of the racketeering having no abeyance is substantially significant. Privileges, immunity, agreements, and/or exemptions constitute a Chinese wall concealing misconduct. Channels of interstate and foreign commerce are affected as the person, reputation, name, personal properties, and real properties of my mother were and are being injured.

**18 U.S.C. § 1512 - Tampering with a witness, victim, or an informant**

There was an intent to cause serious bodily injury, if not death, on me and my family members when our car was violently crashed into. The event chilled my communications. The surveillance knew my family was in my car and where we were. It had knowledge that I looked up contact information of the Federal Bureau of Investigation earlier that day. Defamation of my mother's name, painting her name in a false light, trespass to her property, trespass to her land, her residence subject to a nuisance, and execution of intentional infliction of emotional distress to her person are retaliatory methods in preventing my expression.

An act of murder is a racketeering activity.

Mrs. Buenaventura was deprived of her life without notice and a window to object.

She was prevented from participating in a hearing, production of evidence, and communication of misconduct.

Documents, electronically stored information, tangible articles, and/or activities are knowingly and deliberately altered, mutilated, concealed, manufactured, and/or destroyed. The integrity and availability thereof is infected. Likewise, the orderly, timely, and efficient prosecution of claims is hampered.

Agencies whose symbols impress it is about public service harm the public. The harm is severe, if not deadly, when discussions differ. When negligence, omission, wrongful conduct, and/or misconduct occur, "secret silence" <sup>71</sup> is the solution. "Public misinformation" <sup>72</sup> occurs simultaneously or shortly after. There is service but it is not to the public. These symbols are false statements.

Pertinent information are withheld. An example of this matter is the scheme to conceal the negligence, omission, misconduct, and/or wrongful conduct. This constitutes a corrupt obstruction of a proceeding.



This activity dissuades discussion. In turn, the timely administration of justice is abdicated. During the defamation of my mother's name and painting her name in a false light, trespass to her chattels, trespass to her land, her residence being subject to a nuisance, and execution of intentional infliction of emotional distress activities on her person, there is no requirement that an official proceeding is pending or is about to be initiated.

An enterprise of at least two individuals has a meeting of the minds to commit acts. These acts range from and in no way limited to surveillance, stifling dialogue, suppression in subterfuge, and racketeering operations. Overt acts being done in military precision and timing are in furtherance of vilifying varying viewpoints. Concrete steps are made to advance misprision.

Activities under this provision involves extraterritorial federal jurisdiction.

**18 U.S.C. § 1832 -Theft of trade secrets**

Mrs. Buenaventura was faithful to her family. She was devoted to her career. She was a teacher but she was a private person. She did not thrust herself into the vortex of any controversy.

Her fidelity to her family and profession spoke in her actions. It was her system of living her life. She built an enduring career and solid family life based of her core values. Her way of life was integral in her family life and career.

It is not, however, subject to public disclosure and is confidential information and data. Her estate has an interest in not having her name subject to defamation, false light in the public eye, her chattels subject to trespass, her real property subject to trespass, and her residence subject to nuisance. The estate of my mother is seeking redress for the activities that were choreographed, coordinated, and carried out to cause severe emotional distress.

There is an intent to convert and thereafter alter, destroy, replicate, transmit, and communicate information about my mother. The name of my mother being defamed and painted in a false light, her personal property subject to trespass, her real property subject to trespass, her abode subject to nuisance, and her person subjected to intentional infliction of emotional distress do not provide economic benefit to her name. None of which, she and/or her estate gave authorization to. Rather, pecuniary gain goes to the enterprise. Pecuniary gain converts to exchange of proceeds, sale, exchanges, income, and/or transmuted to a different asset courtesy of the unique knowledge afforded by surveillance. Meanwhile, wrongdoing, omission, and misconduct are walled off. Plus, defense/s are manufactured through insight obtained by eavesdropping.

Her information and data are appropriated without authorization to knowingly prevent a point of view from being public.

“[There is a]...swelling---estimated to be \$180 billion by 2010---yearly government-contracted surveillance industry.”<sup>73</sup> The federal government spends taxpayers' monies in this industry. “Billion dollar surveillance contracts” were awarded by the FBI to Lockheed Martin after surveillance rules changed.<sup>74</sup> “It received government contracts totaling \$485.5 billion...”<sup>75</sup> “A Center for Public Integrity investigation revealed that Defense Advanced Research Projects Agency awarded \$88 million to surveillance contractors between 1997 and 2002. Of that \$88 million, Lockheed and Booz Allen Hamilton were top awardees, earning at least \$50 million (57%).”<sup>76</sup> The goods and services in this industry flow in interstate and foreign commerce. Public salaries, fringe benefits, and pensions paid in

exchange for services provided to government relate to interstate and foreign commerce.

**18 U.S.C. § 1343 - Fraud by wire, radio, or television**

A scheme to silence is an upshot from my speech. The name of my mother being defamed, her name being painted in a light that is false, her communication devices being subjected to surveillance, her land being invaded, her residence subject to nuisance, and her person subjected to intentional infliction of emotional distress are to prevent my communications.

A fraudulent representation is made to each third party listener, reader, and/or for the observer. It is foreseeable that a false representation about my mother injures her name. If not for the artifice, the name of my mother will not be harmed. My mother's name is being injured.

The enterprise transmits representations, payments, and/or receipts by [internet], wire, radio, and/or television. All of which are channels of interstate and foreign commerce. Bribery, economic duress, and/or extortion, to name a few racketeering activities, affect a financial institution.

Pertinent communications are concealed by the abuse of privilege/s, confidentiality agreement/s, claim/s of immunity, and/or exemptions. Thus, predicate acts (eg., bribery) are multiplied.

**Title VI of Civil Rights Act of 1964 -Title VI, 42 U.S.C. § 2000d et seq.**

Departments are federally funded.

The defamation of the name of my mother in pursuit of silencing speech discriminates against a Filipino. Painting the name of my mother in a false light to dampen dissent excludes a race from comments. Carving out of an individual and his/her family by way of flushing forums with falsities is not inclusion in an activity. Subjecting her communication devices to surveillance to subvert her right to express herself and her right to receive timely, complete, and accurate information discriminates against a race. Real property in her name being subject to trespass in order to depress a diverse dialogue is not inclusive of a varying view. Her private residence being subjected to nuisance to suppress a contrasting vista excises an individual race from discussions. Extreme and outrageous activities clinically causing severe emotional distress for the purpose of nullifying her human right to opine on her own discriminates against those who came from an archipelago. Marketplace of views is federally permeated.

**Human rights**

**Article 3**

The right to life, liberty, and security as a person was deprived from my mother when she was permanently separated from my sister and me. She was not informed nor given a forum to present her side before her life, liberty, and property interests were taken.

She had a right to life.

**Article 12**

My mother's reputation is assailed with impunity to coerce compliance with coordinated



communications. She nor his family was not advised that her name will be besmirched. Her chattels (eg., communication devices) are subjected to surveillance. Her land is subject to trespass to land. Private home under her name is subject to nuisance. Activities that went beyond the bounds of decency and dignity were deployed with deliberation. There was no opportunity to air a position. Historically similar conduct to suppress is not protection of the law from such attacks.

An individual, even if from another part of the world, had/has an interest in not having his/her name smeared, her communication devices wiretapped, her real property subject to invasion, and due process rights disregarded.

### **Article 17**

Pillage fronted magnanimously took away her right to own her property alone and in association with her family. This deprivation was executed without notice and a chance to object. Abundant resources generally plunder those with much less and without any defense across the planet under the guise of benevolence.

There is dignity to each person no matter the color of his/her passport. A person from another face of the earth has a right to his/her property.

### **Article 30**

Activities multiplying falsities conceal. None of these operations preserves the right to life, liberty, and security of a person. Rather, the unceasing behavior shows a depraved and malignant heart towards another. To stupefy my views, defamation of the name of my mother, depiction of her name in a false light, trespass to her chattels, trespass to her land, nuisance in her private home, and intentional infliction of emotional distress were and are being applied. Exponential frauds on the public are covertly sustained. Piracy partners with pillaging to deprive not only property rights and security but lives of others.

### **Choice of Law**

In the event, the Court does not find federal question jurisdiction, the question of choice of law will be raised. The law of the state applies when it comes to the claims, choice of law, and statute of limitations.

#### **Claims**

Maine state law allows recovery for torts.

#### **Choice of law**

In diversity cases, the federal court uses the state law where it is at.

#### **Statute of limitations**

Any civil action has to be initiated in court within six (6) years from the time the cause of action arises.<sup>77</sup> Slander and libel shall be started in court within two (2) years after the cause of action takes place.<sup>78</sup> When a claim is premised on *legal services* by a licensed attorney that results in

an *injury*, the statute begins from the date of the act or omission.<sup>79</sup> A real property action by a claimant, ancestor, and/or a predecessor-in-interest is to be commenced within twenty (20) years from the time the cause of action accrues.<sup>80</sup> But, if the claimant is a minor, mentally ill, imprisoned, or absent from the United States, he/she or the individual claiming under him/her may bring suit within ten (10) years after such disability is removed. The disability ten (10) year statute is in addition to an instance where twenty (20) year clock has expired.<sup>81</sup> A three (3) year filing limitation applies to an action based on a criminal offense. Criminal offense is defined where there is a victim.<sup>82</sup> The action against the offender can be brought by the victim or on behalf of the victim. The running of the statute begins when the victim *discovers* or *reasonably* should have *discovered any profits* from the crime, whichever is later.<sup>83</sup> Profits may be property, income, gain, and/or assets derived by committing the crime. It may be property, income, or gain from the sale, conversion, or exchange of proceeds of a crime. Profits may be assets obtained through the use of the unique knowledge garnered during the commission of the crime or in preparation for commission. It includes any property, income, gain, and assets generated from the sale, conversion, or exchange of the proceeds of the crime.

### **Equitable tolling**

“[A] tort claim against the United States shall forever be banned unless it is presented [to agency] within two years...or unless action is begun within 6 months of the agency's denial of claim.”<sup>84</sup>

There is no clear statement by Congress that this proviso is jurisdictional according to the majority. The 2 year due date / 6 month counterpart limitation is nonjurisdictional and may be tolled. Additionally, due dates are “quintessential claim-processing rules” that “seek[s] to promote orderly progress of litigation.”<sup>85</sup>

Equitable tolling may be granted when one diligently asserts his/her rights but some extraordinary circumstances prevented meeting of the due dates. Concealment allows equitable tolling.<sup>86</sup>

There are manufacturing and/or spoliation of documents, electronically stored information, tangible property, and/or activities.<sup>87</sup> Substantial prejudice to the integrity of information results therefrom. Threats are made to dissuade speech.<sup>88</sup> Funneling of forum and severance of subpoena powers hinder the timely and organized prosecution of claims.<sup>89</sup>

United States is treated by the Federal Tort Claim Act as a “commoner” rather than the “Crown”. She may be held to account, insofar as tort liability, to another as a “private individual”.<sup>90</sup>

### **Glomar**

#### **Executive Order 13526**

#### **Section 3.6 (a)**

“The burden to assert Glomar has not been satisfied.



There are surveillance and wiretapping. Data in networks, phones, and computers are copied, reviewed, searched, diverted, and modified.

Moreso, as an individual who spoke against overtime shaving from teachers' timesheets there is a very strong likelihood that there are wiretapping and surveillance. There is a strong motive to maintain the wiretapping and surveillance activities. As a person who spoke against overtime shaving, the content is similarly tracked.

I receive threats since my speech against overtime shaving so as I succumb and be silenced.

I am seeking information as to activities to protect health, life, well-being, and physical safety.

Executive Order 13526, Section 1.7 enumerates that information is not to be classified to "conceal violations of law, inefficiency, or administrative error"; "prevent embarrassment to a person, organization, or agency" or "prevent or delay the release of information that does not require protection in the interest of national security".

Additionally, "[b]asic scientific research information not clearly related to national security shall not be classified."

Hence, "not [being] able to confirm or deny the existence of intelligence records on any and all individuals who request them" is not properly classified.

There is no demonstration that the existence or non-existence of a single record responsive to the request is appropriately classified matter.

There are surveillance and wiretapping that minimize the privacy.

The blanket and summary refusal in disclosing items 1 and 2 is not correct."<sup>91</sup>

Categorical refusal to produce documents responsive to FOIA requests dated September 7, 2021 inquiry, Case number 112886, Appeal number 5600; January 18, 2022 inquiry, Case number 113542, Appeal number 5627; October 1, 2021; May 29, 2022; May 30, 2022; June 1, 2022; June 2, 2022; June 4, 2022; June 5, 2022; June 6, 2022; June 7, 2022; June 8, 2022; June 23, 2022; July 2, 2022; July 3, 2022; July 4, 2022; July 5, 2022; July 6, 2022; July 7, 2022; July 8, 2022; July 9, 2022; July 10, 2022; July 11, 2022; July 12, 2022; July 13, 2022; July 14, 2022; July 15, 2022; July 16, 2022; July 22, 2022; July 23, 2022; July 24, 2022; July 25, 2022; July 26, 2022; July 27, 2022 inquiries is not appropriate.

As there were no documents (e.g., affidavit) and/or information provided, it is impossible to know how and why the documents and/or information requested were "substantially similar" and "properly withheld" with adequate particularity.

There was no denial of motive. There was no denial of capacity.

#### Executive Order 12333

##### 2.1 Need

"Without the factual basis for the decision to wiretap and conduct surveillance, the how and why there



are wiretapping and surveillance are not subject to scrutiny. There are no details provided; hence, it is impossible to reach a determination of the basis of the wiretapping and surveillance activities.”<sup>92</sup>

## 2.4 Collection Techniques

“The agency records requested under items 1 and 2 reasonably lead to a basis for review of the procedures established and approved for the collection techniques such as electronic surveillance, wiretapping, eavesdropping, unconsented physical searches, mail surveillance, physical surveillance, or monitoring devices. Further, it will lead to some clarity why constitutional and human rights of those who speak are shredded.

It will give guidance in the determination as to how the deliberation to fracture a family is an ethical, moral, and lawful means. It will shed light how compelling silence from those who speak is a purpose. It will elucidate how obtaining advance access to and distortion of communications satisfy strict scrutiny.”<sup>93</sup>

### 2.13 Covert action

“There are no details explaining how covert actions to steer public opinion, sway political processes, segue policies, destabilize families, and/or mold media abide by the human rights of those subject of covert actions and those affected collaterally.”<sup>94</sup>

## 2.7 Contracting

“If there is no revelation of the sponsorship, nobody knows who has control of, details of, and reasons behind the contracts or arrangements. Purposes of contracts or arrangements is under a shroud of secrecy. Whether taxpayers pay for the goods or services in these contracts or arrangements will be secreted away from view. Respect for human rights is a query that is unanswered. Nobody is enlightened if private companies, institutions, and/or academic institutions who provide good[s] and services are reliable and trustworthy. There is a cloud over whether non-disclosure agreements with private companies, institutions, and/or academic institutions are activities disguised to circumvent human rights.”<sup>95</sup>

## 2.9 Undisclosed Participation in Organizations Within the United States

“A person off of the street can not understand how coercion to stigmatize speech is a purpose. It is not within comprehension for one with ordinary intelligence why there is reprisal as a result of expression. Without items 1 and 2, the deliberations authorizing investigations of those who speak are shrouded in secrecy. It is not reasonably apparent how my family and/or I are part of an organization composed primarily of individuals who are not United States persons and reasonably believed to be acting on behalf of a foreign power. Declining disclosure of documents does not explain a rationale.”<sup>96</sup>

### 2.10 Human Experimentation.

“No information in this [Executive] order [12333] relates to the reasons why human subjects are researched, experimented, and/or tested on. It poses a burden for any requester to figure if the guidelines incorporate the human rights of the ordinary man, woman, child, and/or family subject to the human experimentation and those within the vicinity of the research, experimentation, and/or testing. A subject's consent being informed or not is a question ignored when contracts or arrangements with

companies, institutions, and/or academic institutions are not revealed.”<sup>97</sup>

2.11 Prohibition on Assassination.

“Without items 1 and 2, there are no details as to the basis of the assassinations. There are no information sufficiently describing the decisions made. It is beyond any ordinary person's comprehension why life of any human being and his/her family life will be taken by another.”<sup>98</sup>

2.12 Indirect Participation.

“There are no details for one to determine if the request to any person who undertakes an activity [(e.g., circumscribe a diverse dialogue)] is aware of an individual's inalienable human rights. Where activities that coerce silence are paid for by taxpayers' money will be hidden by non disclosure.”<sup>99</sup>

Executive Order 13526

Section 1.2

“In the absence of the documents requested under items 1 and 2, the factual basis for the decision for the surveillance, deliberation, and the subsequent processes, conduct, and actions taken after the decision was made will not be subject to scrutiny.

Classifications (eg., Top Secret, Classified, or Secret) are not to be used to “conceal violations of law, inefficiency, or administrative error”; “prevent embarrassment to a person, organization, or agency”; or “prevent or delay the release of information that does not require protection in the interest of national security”.<sup>100</sup>

Section 1.4

"The information found in items 1 and 2 as classified and secret is conclusory. There are no details to elaborate sufficiently why and how disclosure will cause damage to national security.

It is not readily comprehensible from the phrase “...the existence or non-existence of intelligence records on any individual, including yourself, would reveal a connection or interest that is an appropriate classified matter.” when activities are methodically manipulated to stifle speech, contaminate communications, terrorize those talking, and funnel the forum.”<sup>101</sup>

18 U.S.C. 798

“It is difficult to assess for a regular individual the protection afforded to activities that coerce silence. These activities delay, dissuade, and distort discussion while invading privacy.

Without items 1 and 2, activities that inoculate abuse of power will not be reviewed.”<sup>102</sup>

50 U.S.C. Section 3024 (i)

“Nondisclosure of items 1 and 2 will not allow a person of ordinary intellect to comprehend the meaning of access to and dissemination of intelligence. Details are absent.



Whether a classification of information is proper (eg., classification procedure, fact of classification, timing, and characterization of the documents) will be difficult to ascertain when items 1 and 2 are kept secret from view.

Under the veil of papers, whether or not the activities, sources, devices, and methods are reliable, trustworthy, comport with the constitution, see the statute(s), and respect an individual's human rights will be covered up.”<sup>103</sup>

#### 50 U.S.C. Section 3605

“A person from the street and targeted would not be able to understand the procedures for the activities and the classification basis of activities without items 1 and 2.

It is not apparent as to why and how “...the existence or non-existence of intelligence records on any individual, including yourself, would reveal a connection or interest that is an appropriate classified matter.” is not consistent with the spirit of the freedom of information act. It forecloses clarifications from a common person who is stifled.”<sup>104</sup>

An itemized index is required for a summary judgment without discovery or in camera review. The index “subdivide(s) the document under consideration into manageable parts cross-referenced to the relevant portion of the government's justification”.<sup>105</sup>

There were no documents and/or information let alone affidavits given which are necessary to facilitate the adversary process and de novo review. The agency response “speaks” of “intelligence information, sources, methods, or activities”. This is “parrot[ing]” of the verbiage in the grounds for the exemption. To allow one to present a case effectively and to enable an impartial assessment by the Court of the exemption claims, there must be a detailed description. There was an affidavit in Goland although deficient. It had no “matching [of] its assertions to given pages or paragraphs.” Here, on the other hand, there were no documents and/or information at all much less an affidavit. When there are no pages or paragraphs, no matching to exemptions can be made. No “itemized index” can be made because there were no documents/information produced which would have allowed detailed descriptions. It is “virtually impossible” to find out if the nondisclosure of all documents and/or information is appropriate without discovery.<sup>106</sup>

Furthermore, in an instance where an affidavit is produced, the accuracy thereof is a question of fact. Ex parte representation should be subjected to testing of its assertions. Testing enables arrival at an appropriate findings of fact. When representations are not made on the record, there is no full factual inquiry.<sup>107</sup>

The plaintiffs in Goland had no opportunity to present their case. Appellate court has no fact-finding capability. The inception of the case there was May 2, 1975. Motion for summary judgment was granted May 26, 1976. The appeal was filed on July 23, 1976. General Counsel of the agency discovered additional relevant documents sometime between November 1977 through December 1977. This occurred during the appellate stage. Appellate court date of decision was May 23, 1978. CIA gave notice to the Department of Justice about additional 321 documents on May 30, 1978.

May 30, 1978 was six (6) months after the discovery of additional relevant documents. Notification was made a week after the appellate decision was handed, May 23, 1978.



On June 6, 1978, plaintiffs submitted a petition for rehearing and suggestions for rehearing en banc. Additional 30 documents were produced on June 14, 1978. On June 23, 1978, an additional 291 documents were provided.

CIA or DOJ gave no elaboration in its decision to stay silent as to the status of affidavits. The Court relied on the affidavits. The disclosure of additional 321 documents took place only after the appellate decision.

Had the Court been informed, the opinion of the Court of appeals dated May 23, 1978 would have been different.<sup>108</sup>

“It is not understandable that the collection techniques as electronic surveillance, wiretapping, eavesdropping, unconsented physical searches, mail surveillance, and/or monitoring devices are not deemed to be violations of the Constitution or statutes of the United States.”<sup>109</sup>

“If distortion, diversion, and dissemination of data to dissuade discussion are consistent with the constitution, statute, and human rights are masked.”<sup>110</sup>

“Distortion of data collected and dissemination to dissuade discussion shock the conscience.”<sup>111</sup> Electronic mails are manipulated.<sup>112</sup> Private communications are distributed.<sup>113</sup> Activities threaten a varying voice.<sup>114</sup>

“There are surveillance and wiretapping. Data in networks, phones, and computers are copied, reviewed, searched, diverted, and modified.”<sup>115</sup> Data tampering is shown in manufactured Google searches.<sup>116</sup>

“...[A]ctivities are methodically manipulated to stifle speech, contaminate communications, terrorize those talking, and funnel the forum.”<sup>117</sup>

“...[A]ctivities delay, dissuade, and distort discussion while invading privacy.”<sup>118</sup>

“Since my speech, I am retaliated on. My family and I were driven out of California to suppress speech. In 2017, I looked up online Federal Bureau of Investigation (Los Ang[e]les satellite office) contact information. On our drive to an ice cream shop on the same day, my family's car with my entire family in it was crashed into violently.”<sup>119</sup>

My mother's name is being defamed that she committed child abuse.<sup>120</sup>

Another example of injury to her name is that she had a mental illness.<sup>121</sup>

Her name is being depicted as a person who was not tolerant.<sup>122</sup>

### **Discovery**

The classification is abandoned in "covert actions [to] steer public opinion, sway political processes, segue policies, destabilize families, and/or mold media".<sup>123</sup>

The dissenting opinion proffers, for the sake of argument, that the “control/property” test is the correct one, “factual ambiguities” prevent a summary judgment.<sup>124</sup>

It necessitates a review of the operations. The “methods” by which control of classification is “exercised and relinquished” by those who have discretionary authority need elaboration. Edification ought to follow as to the “means” to “create[d] and extinguish[ed]” property interest.<sup>125</sup> This can be accomplished in reviewing the official, formal, and/or ad hoc conferences, deliberations, discussions, meetings, and/or sessions where creation, maintenance, and/or removing the classification is decided. In these collaborations, office of origin, date of preparation, face of classification, and date of classification can be evaluated.<sup>126</sup> How secrecy is customarily observed in meetings is another question that needs to be discovered. Another way is to see when the agency acted “inconsistently” with its classification from the date the document was labeled as classified.<sup>127</sup> Actions that are inconsistent with classification may be dissemination and/or distortion to other agencies, individuals without approval. Looking closely at what juncture did the agency decide not to keep the classification is an additional route to take. At the declassification exchange, who benefits personally, in pecuniary form, and/or politically in giving up dominion and control will show the rationale.

“Distortion of data collected and dissemination to dissuade discussion [that] shock[s] the conscience” do not fit with preservation of classification.<sup>128</sup>

### **Disclosures – defenses**

#### **Glomar**

Please see discussion supra.

#### **Strong natural inference**

The strong natural inference (please see discussion supra) is not offset. Agency has not hurdled the burden that special circumstances exist.<sup>129</sup>

#### **Consent**

There is no written, apparent, or implied consent given allowing surveillance and suppression.

#### **Privilege**

Privilege can not be used in criminal and fraudulent activities.

#### **Sovereign immunity**

"Under the Federal Tort Claim Act (FTCA), sovereign immunity is waived against persons suing the federal government for the commission of various torts."<sup>130</sup>

#### **Absolute immunity**

It is the burden of the government to establish absolute immunity against tort liability. Prescribing speech and retaliation for dissenting views are not within the scope of duties in any public function. Practice of regulating speech has a notoriety in the general populace. This established protocol is exercised when an opinion departs from the secret script.



Absolute immunity is necessary for effective government. But, suppression, casting smears on my mother's name, trespass to her chattels, trespass to her property, nuisance in her abode, intentional infliction of emotional distress on her person, racketeering activities, and surveillance do not contribute to effective government. As waste, abuse, and/or fraud exponentially expand, individual injuries replicate. There are no contributions to effective government. There is nothing to weigh against the accumulating harm to people. It is only when positive attributes of absolute immunity outweigh the recurring harm to each citizen is absolute immunity justified.<sup>131</sup>

### **Attorney - client privilege**

Dissemination of distortions and depression of discussions waive privilege. Threats such as harassment, violence, and/or economic duress severe privilege.

### **State secret privilege**

"Military secrets privilege" is as malleable as clay. "State secrets" morphs depending on the interpreter. "National defense" changes direction as often as the wind.

### **Unwarranted invasion of privacy**

Stifling expression is not a compelling interest. Diversified threats strategically handicap public participation. It is ongoing. Construction of chaos and confusion do not make documents/information obscure.

"The manufacturing and/or spoliation of documents, electronically stored information, tangible property and/or activities sully/ies the integrity thereof.

One of the purposes of the manufacturing and/or spoliation activities is to cover up the civil torts, crimes, civil conspiracies, criminal conspiracies, statutory rights violations, constitutional rights violations, Geneva Convention violations, and/or human rights violations being committed and/or committed against me and my family members."<sup>132</sup>

Disclosures cast light on negligence, omission, wrongdoing, and/or misconduct.

Measures subsequently taken to address the negligence, omission, wrongdoing, and/or misconduct out in the open likely deter multiplied abuse.

### **Significant public interest**

The toll on human lives by unreliable intelligence is irreparable. At its hilt, it is lethal.

2,977 lives were lost in the 9/11 attacks.<sup>133</sup> 415,000 casualties in the Iraq and Afghanistan operations.<sup>134</sup> Thousands of children abused by a religious denomination. 16,760 women abused by a university in southern California. Those with influence and/or their proxy work overtime for adverse interests. 6,850,594 lives lost due to Covid-19.<sup>135</sup> These losses could easily have been prevented with the legitimate use of public resources.

Instead, property interests belonging to the public are used to advance and promote interests that are personal, pecuniary, pillaging, and/or political.

Meanwhile, apparatus created for the people who own it is used to deprive those very same employers of their lives. Agencies built for owners exploit those very same individuals of an education pristine from propaganda. Enterprises designed for the public suppress the exchange between the very same people who are intended beneficiaries. Institutions established for the commoner deprives financial independence from the very same persons it is meant to serve when they disagree. Communities created for everyone makes obtaining accurate and complete information unintelligible and elusive to the very same people paying for their salaries, benefits, and economic security.

There is significant common interest in understanding activities that suppress speech. Beneficiaries of operations combating expression assists in giving adequate knowledge. Public interest in deliberations over choreographed campaigns to chill communications is far greater than the one in a private sector.

Public interest is significant in pollution of families, pools, public opinion, media, public processes, and public policies to distract from wrongdoing.

Balancing between private and public interests is proper when the latter outweigh the former as here. This will show the nature, extent, duration, and depth of misconduct.

An in camera review does not include testing. The counsel of the plaintiff or plaintiff is disallowed from participating. Only one side presents assertions of exemptions. While the opposing side is precluded from hearing the nature of claim/s and objecting. In effect, the adversarial process is circumvented.

The manufacture and/or spoliation of documents <sup>136</sup>, electronically stored information <sup>137</sup>, tangible things <sup>138</sup>, and/or activities <sup>139</sup> will not become part of the record. Dilatory tactics causing substantial prejudice to the timely and efficient prosecution of claims will evade a full factual inquiry.

Whereas the public interest in surveillance, suppression, schemes of reprisal, and practice of concealment is significant.

## **Relief**

### **Declaratory judgment**

I request to have the surveillance be declared unconstitutional.

Any and all regulations, on a local, municipal, state, federal, and international level, citing the foundation upon which the surveillance relies be expressly described void ab initio.

A grant of a request to publish notice in all domestic and international news media outlets, online and physical, that the surveillance is unconstitutional.

Publication will occur for the next 100 years on a daily frequency.

### **Preliminary injunction - identify additional defendants**

As the court reviews my petition for permanent injunction, I ask that a preliminary injunction be granted.



This window will allow for a determination of John Does and/or Jane Does.

It ends the harm.

Justice is administered.

### **Expedited discovery**

I request for an expedited discovery.

The claims asserted on behalf of my mother's estate are defamation and invasion of privacy. An expedited discovery may be granted in this situation.<sup>140</sup>

### **Permanent injunction**

I request for a permanent injunction on the surveillance. This immediately stops the injuries and a tool of harm.

The harmful ramifications of the surveillance are irreversible. The loss of life, liberty, and property interests (eg., defamation, false light in public eye, trespass to chattel, trespass to land, nuisance, and intentional infliction of emotional distress) of my mother are irreparable. As indelible are the injuries and further threats of injuries to her name to stifle speech. Multiplicity of suits is required to stymie the advance viewing of privileged materials and work of those whose points of view are of different posture. As someone who is suppressed and retaliated, resources will be depleted to put to a stop the incessant injuries and deprivation of due process. Surveillance, injuries, and threats being stopped immediately is feasible. It is doable to have the full and immediate disclosures of information. No balancing is necessary. The surveillance, threats, infliction of injuries, and nondisclosure of documents until a lawsuit is filed are willful. For the sake of argument surveillance is not intentional, the constitutional and human rights of individuals are shredded. The immediate and fully unredacted disclosures of the information responsive to the requests likely provide additional and substantial support to the claims on behalf of my mother's estate.

Therefore, I request for the immediate and complete (unredacted) disclosures of information responsive to inquiries dated September 27, 2021 inquiry, Case number 112886, Appeal number 5600; October 1, 2021; May 29, 2022; January 18, 2022 inquiry, Case number 113542, Appeal number 5627; May 30, 2022; June 1, 2022; June 2, 2022; June 4, 2022; June 5, 2022; June 6, 2022; June 7, 2022; June 8, 2022; June 23, 2022; July 2, 2022; July 3, 2022; July 4, 2022; July 5, 2022; July 6, 2022; July 7, 2022; July 8, 2022; July 9, 2022; July 10, 2022; July 11, 2022; July 12, 2022; July 13, 2022; July 14, 2022; July 15, 2022; July 16, 2022; July 22, 2022; July 23, 2022; Jul 24, 2022; July 25, 2022; July 26, 2022; and July 27, 2022 inquiries.

I request for the immediate cessation of threat/s enumerated, but not limited to those, in the addendum A attached to the inquiries dated July 4, 2022, July 9, 2022, and July 10, 2022.

I request that the U.S. government, whether or not on an official capacity or clandestine operation, to immediately and fully exit the territorial jurisdiction of the Republic of the Philippines and permanently remain outside of her sovereignty.

### **Damages**

My mother's name, Mrs. Eva R. Buenaventura, is being injured. Her estate has a legally protected interest in protecting her name from attacks to coerce viewpoints. Harms (eg., trespass to chattel, trespass to land, nuisance, and intentional infliction of emotional distress) directly flow from violations. One of these violations of the federal government is the 4<sup>th</sup> amendment of the U.S. Constitution. The U.S. Supreme court held in Bivens<sup>141</sup> money damages are appropriate in order to redress the disregard for the constitution.

I seek damages in the amount of \$179,589,749,600,000.00 of her estate.

I seek compensatory damages, punitive damages (modification of existing law), treble damages, court costs (where applicable), prejudgment interest (where applicable), expenses (modification of existing law), and attorney fees on behalf of her name.

### **Joint and Several Liability**

There are two or more individuals and/or legal entities causing proximately injuries. Each tortfeasor is liable for the entire harm done. It is of no consequence whether the action is independent. In actions in concert between tortfeasors, the question if the damage is divisible and identifiable is not important. Each tortfeasor is liable for the full amount of liability.

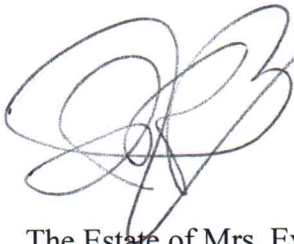
### **Jury trial**

The amount of damages exceeds \$20. I request for a jury trial.

I am appreciative of the time of the Court.



Respectfully Submitted,

A handwritten signature in blue ink, consisting of a large, stylized 'B' followed by a smaller 'I' and 'R', with a long horizontal stroke extending to the right.

The Estate of Mrs. Eva R. Buenaventura  
care of Ian R. Buenaventura

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7	Why the CIA killed JFK and Malcolm X - The Secret Drug Trade in Laos by John Koerner
8	Congressional Record
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16	Federal Bureau of Investigation - CHS Reporting Document - FD- 1023 - Authorized for Public Release by Ranking Member Grassley/Chairman Comer
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4	Nkihtaqmikon v Bureau of Indian Affairs
17	Erickson v Pardus
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Table of International Laws	
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- 1 Federal Rule 201(b)
- 2 Long v IRS
- 3 Hairo v U.S. Citizenship & Immigration Serv.
- 4 Nkihtaqmikon v Bureau of Indian Affairs
- 5 Prepublication Classification Review Board of CIA
- 6 The CIA As Organized Crime - How Illegal Operations Corrupt America and the World by Douglas Valentine
- 7 Why the CIA Killed JFK and Malcolm X - The Secret Drug Trade in Laos by John Koerner
- 8 Congressional Record, at page 13655
- 9 Supra, The CIA As Organized Crime - How Illegal Operations Corrupt America and the World, at 326
- 10 Supra, The CIA As Organized Crime - How Illegal Operations Corrupt America and the World, at 333 to 334
- 11 Supra, The CIA As Organized Crime - How Illegal Operations Corrupt America and the World, at 332 to 333
- 12 Supra, The CIA As Organized Crime -How Illegal Operations Corrupt America and the World, at 322
- 13 Supra, The CIA As Organized Crime - How Illegal Operations Corrupt America and the World, at 322
- 14 Supra, The CIA As Organized Crime - How Illegal Operations Corrupt America and the World, at 318
- 15 CIA's Failed Attempt to Bribe Lee Kuan Yew Among Newly Released Documents by Joshua Lee
- 16 Federal Bureau of Investigation - CHS Reporting Document - FD- 1023 - Authorized for Public Release by Ranking Member Grassley/Chairman Comer
- 17 Erickson v Pardus
- 18 Id.
- 19 Id.
- 20 Erickson
- 21 Haines v Kerner
- 22 Chambers v Eppolito
- 23 Id.
- 24 Id.
- 25 Id.
- 26 Id.
- 27 Declaration - 27
- 28 Declaration - 28
- 29 Document 1, at July 4, 2022, July 9, 2022, and July 10, 2022 inquiries
- 30 Declaration - 30
- 31 Chambers
- 32 Supra, Document 1, at June 11, 2021 correspondence.
- 33 Supra, Document 1, at September 27, 2021 inquiry, Case number 112886, Appeal number 5600; January 18, 2022 inquiry, Case number 113542, Appeal number 5627
- 34 Supra, Document 1, at October 1, 2021; May 29, 2022; May 30, 2022; June 1, 2022; June 2, 2022; June 4, 2022; June 5, 2022; June 6, 2022; June 7, 2022; June 8, 2022; June 23, 2022; July 2, 2022; July 3, 2022; July 4, 2022; July 5, 2022; July 6, 2022; July 7, 2022; July 8, 2022; July 9, 2022 ; July 10, 2022; July 11, 2022; July 12, 2022; July 13, 2022; July 14, 2022; July 15, 2022; July 16, 2022; July 22, 2022; July 23, 2022; July 24, 2022; July 25, 2022· July 26, 2022; and July 27, 2022 inquiries.
- 35 Bivens v Six Unknown Named Agents of Federal Bureau of Narcotics
- 36 Rosenfeld v. DOJ
- 37 Id.
- 38 Id.
- 39 Id.
- 40 Id.
- 41 Congressional Record
- 42 Supra, Why the CIA killed JFK and Malcolm X - The Secret Drug Trade in Laos
- 43 Id.
- 44 Declaration - 44
- 45 Los Angeles Catholic Church in record abuse deal.
- 46 Compromised - How Money and Politics Drive FBI Corruption by Seamus Bruner
- 47 USC survivors says \$1.1 billion in settlements is justice for sex abuse ignored.
- 48 Id.
- 49 Id.
- 50 Supra, Congressional Record and Supra, Compromised by Seamus Bruner
- 51 Supra, Compromised

- 52 Supra, Congressional Record
- 53 Supra, Congressional Record
- 54 FISC Order - Re Accuracy Concerns Regarding FBI Matters Submitted to the FISC - The Honorable Presiding Judge Rosemary M. Collyer
- 55 Supra, Congressional Record
- 56 Supra, Congressional Record
- 57 Supra, Congressional Record
- 58 Supra, Compromised by Seamus Bruner
- 59 Supra, Congressional Record
- 60 Department of Health and Human Services - Office of the Inspector General - The National Institutes of Health and Ecohealth Alliance Did Not Effectively Monitor Awards and Subawards, Resulting in Missed Opportunities to Oversee Research and Other Deficiencies - The Honorable Inspector General Christi A. Grimm; Reporter of National Institutes of Health search results; Federal biosecurity board cut back meetings as US resumed gain-of-function research funding by Greg Piper; and Transcribed Deposition of Anthony Fauci, M.D.
- 61 Peace Corps Legal Information For Applicants
- 62 West Virginia v EPA
- 63 Birnbaum v U.S.
- 64 United States v Muniz
- 65 Millbrook v U.S.
- 66 Document 1
- 67 Declaration – 67
- 68 Supra, Document 1
- 69 Supra, Document 1, at September 27, 2021 inquiry, Case number 112886, Appeal number 5600 and January 18, 2022 inquiry, Case number 113542, Appeal number 5627
- 70 Supra, Document 1, at October 1, 2021; May 29, 2022; May 30, 2022; June 1, 2022; June 2, 2022; June 4, 2022; June 5, 2022; June 6, 2022; June 7, 2022; June 8, 2022; June 23, 2022; July 2, 2022; July 3, 2022; July 4, 2022; July 5, 2022; July 6, 2022; July 7, 2022; July 8, 2022; July 9, 2022; July 10, 2022; July 11, 2022; July 12, 2022; July 13, 2022; July 14, 2022; July 15, 2022; July 16, 2022; July 22, 2022; July 23, 2022; July 24, 2022; July 25, 2022; July 26, 2022; and July 17, 2022 inquiries
- 71 Supra, Congressional Record
- 72 Id.
- 73 Supra, Compromised by Seamus Bruner
- 74 Supra, Compromised
- 75 Supra, Compromised
- 76 Supra, Compromised
- 77 ME Rev.Stat.Tit.14 § 752
- 78 ME Rev.Stat.Tit.14 § 753
- 79 ME Rev.Stat.Tit.14 § 753-B
- 80 ME Rev.Stat.Tit.14 § 802
- 81 ME Rev.Stat.Tit.14 A § 807
- 82 ME Rev.Stat.Tit.17-A § 2101, subsection 2
- 83 ME Rev.Stat.Tit.14 § 752-E
- 84 Federal Tort Claim Act 2041 (b)
- 85 United States v Kwai Fun Wong
- 86 Id.
- 87 Declaration - 87
- 88 Supra, Endnote 30
- 89 Declaration - 89
- 90 Kwai Fun Wong
- 91 Supra, Document 1, at September 27, 2021 inquiry, Case number 112886, Appeal number 5600
- 92 Id.
- 93 Id.
- 94 Id.
- 95 Id.
- 96 Id.
- 97 Id.
- 98 Id.



99 Id.  
100Id.  
101Id.  
102Id.  
103Id.  
104Id.  
105Goland v CIA, Vaughn v Rosen cited by the Honorable Circuit Judge Bazelon in his dissent.  
106Goland, dissenting opinion by the Honorable Circuit Judge Bazelon.  
107Id.  
108Id.  
109Supra, Document 1, at September 27, 2021 inquiry, Case number 112886, Appeal number 5600.  
110Id.  
111Id.  
112Supra, Endnote 27  
113Supra, Endnote 28  
114Declaration - 114  
115Document 1, at September 27, 2021 inquiry, Case number 112886, Appeal number 5600  
116Declaration - 116  
117Supra, Document 1, at September 27, 2021 inquiry, Case number 112886, Appeal number 5600  
118Id.  
119Id.  
120Declaration - 120  
121Declaration - 121  
122Declaration - 122  
123Supra, Document 1, at September 27, 2021 inquiry, Case number 112886, Appeal number 5600.  
124Goland  
125Id.  
126Id.  
127Id.  
128Document 1, at September 27, 2021 inquiry, Case number 112886, Appeal number 5600.  
129Clapper v Amnesty International USA  
130Simon v US  
131Westfall v Erwin  
132Supra, Document 1  
133President Remembers Those Lost on 9/11, Says Day Changed America  
134Human Cost of the Post-9/11 Wars: Lethality and the Need for Transparency  
135World Health Organization Coronavirus (Covid-19) Dashboard - 6,850,594 deaths as of February 21, 2023  
136Declaration - 136  
137Declaration - 137  
138Declaration - 138  
139Declaration - 139  
140McMann v Doe  
141Bivens